

**Fitch, Even, Tabin & Flannery***Intellectual Property Law*

# F A C S I M I L E

Name: Commissioner for Patents  
U.S. Patent & Trademark Office  
FAX: 703 - 746-4060

Application No.: 10/687,352  
Filing Date: October 15, 2003  
Inventors: Perez et al.  
Art Unit: TBD

From: Scott J. Menghini, Reg. No. 42,880  
Today's Date: October 26, 2004  
Attorney Docket No.: 82887/7948  
Pages: Eleven (11) (including this 1-page coversheet)  
Dispatched by: D. Dockett

Transmitted herewith for filing via facsimile:

Transmittal Form (1 pg.); Fee Transmittal (1 pg.); Response to Notice to File Missing Parts of Application (1 pg.); Executed Combined Declaration for Patent Application/Power of Attorney (5 pgs); Copy of Notice to File Missing Parts of Nonprovisional Application (2 pgs.); and Facsimile Cover Sheet (1 pg.)

The documents accompanying this facsimile transmittal cover sheet contain information from the law firm of Fitch, Even, Tabin & Flannery which may be confidential and/or legally privileged. The documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this facsimile in error, please immediately notify the Firm so that we can arrange for the return of the original documents to us. Thank you.

9276 Scranton Road, Suite 250  
San Diego, California 92121-7701  
Telephone 858-552-1311  
Fax 858-552-0095  
82887faxcvraht.001



PTO/SB/21 (04-04)

Approval for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/687,352	
	Filing Date	October 15, 2003	
	First Named Inventor	Perez	
	Art Unit	TBD	
	Examiner Name	TBD	
Total Number of Pages in This Submission	11	Attorney Docket Number	82887/7948

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC)  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Executed Combined Declaration and Power of Attorney (5 pgs.) Copy of Notice to File Missing Parts (2 pgs.) Facsimile Cover Sheet (1 pg.)
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Individual name	Scott J. Menghini, Reg. No. 42,680
Signature	
Date	October 28, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Scott J. Menghini	Date	October 28, 2004
Signature		Date	October 28, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



15:42 FAX 8585520095

003

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2005**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**

(\$ 439.00)

**Complete If Known**

Application Number 10/887,352

Filing Date October 15, 2003

First Named Inventor Perez

Examiner Name TBD

Art Unit TBD

Attorney Docket No. 82887/7948

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit  
Account  
Number  
Deposit  
Account  
Name

06-1135

Fitch, Even, Tabin &amp; Flannery

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Release filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid
35	-20**	15	X	18.00	=	135.00*
Independent Claims	6	-3**	3	X	88.00	= 174.00*
Multiple Dependent						

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	Reissue independent claims over original patent	
1205	18	2205	9	Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$ 309.00)

\* REFLECTS AMOUNTS PREVIOUSLY PAID - SEE  
RESPONSE FOR EXPLANATION**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1480	130	1480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(a)	
1806	180	1806	180	Submission of Information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	800	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 130.00)

**SUBMITTED BY**

Name (Print/Type) Scott J. Menghini

Registration No.  
(Attorney/Agent)

42,880

**Complete (if applicable)**

Telephone

850-552-1311

Signature

[Signature]

Date

October 26, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization of PTO-2038. This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-6199) and select option 2.



Attorney Docket No. 82887/7948.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Perez et al.  
 Application No.: 10/687,352  
 Filed: October 15, 2003  
 Title: OPEN ARCHITECTURE  
 MODULARITY FOR IRRIGATION  
 CONTROLLERS  
 Art Unit: TBD  
 Confirmation No.: 7833

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being  
 facsimile transmitted to the Office of Initial Patent  
 Examination (703-746-4060) of the United States  
 Patent and Trademark Office on this date

10/26/04  
 Date

  
 Scott J. Menghini  
 Registration No. 42,880  
 Attorney for Applicants

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

This is in response to a Notice to File Missing Parts of Nonprovisional Application.  
 Enclosed is a copy of said Notice and the following documents and fees to complete the filing  
 requirements of the above-identified application.

(X) Executed Combined Declaration and Power of Attorney. The above-identified  
 application is the same application which the inventors executed by signing the  
 enclosed declaration.

(X) Additional claim fees of \$309.00

This amount represents the corrected total due for claims as follows:

35 claims - 20 = 15 x \$18 = 270 - \$135\* = \$135

6 Independent claims - 3 = 3 x \$88 = 264 - \$90\* = \$174

\* represents amount previously paid by applicant on 10/15/03

(X) Missing Parts Surcharge \$130.00

(X) Facsimile Transmission Coversheet

The undersigned is a registered attorney not of record who acts in a representative  
 capacity under the provisions of 37 CFR 1.34(a).

Date: October 26, 2004

Respectfully submitted,

By: 

Scott J. Menghini  
 Fitch, Even, Tabin & Flannery  
 Reg. No. 42,880  
 Telephone No.: 858-552-1311



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/687,352	10/15/2003	Sergio Perez	40990-RB

CONFIRMATION NO. 7833

## FORMALITIES LETTER

\*OC00000013644540\*

John D. Bauersfeld  
Kelly Bauersfeld Lowry & Kelley, LLP  
Suite 1650  
6320 Canoga Avenue  
Woodland Hills, CA 91367

Date Mailed: 08/26/2004



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$312 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$442 for a Large Entity

- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$312
- \$258 for 3 independent claims over 3.

10/27/2004 JBALINAN 00000078 061135 10687352  
01 FC:1201 167.00 DA 9.00 OP  
02 FC:1202 144.00 DA  
03 FC:1051 130.00 DA

- \$54 for 15 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE